

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

TIMOTHY LOWE and BELINDA LOWE,
21 Malmsey Lane
Divide, CO 80814

Plaintiffs,

v.

FIRST FINANCIAL INSURANCE COMPANY
238 International Road
Burlington, N.C. 27215

and

BURLINGTON INSURANCE COMPANY
238 International Road
Burlington, N.C. 27215

and

PRAETORIAN INSURANCE COMPANY,
f.k.a.
INSURANCE CORP. OF HANOVER,
Wall Street Plaza
88 Pine Street
New York, N.Y. 10005

Defendants.

14CY-CV07312

Case No.:

4

Division:

FILED

TIME: AUG 11 8 2014 MLW

Clay County Circuit Court

PETITION FOR DAMAGES

COUNT I

COME NOW the Plaintiffs, Timothy Lowe and Belinda Lowe, and for their cause of action against the Defendants, states as follows:

1. Plaintiffs are citizens and residents of Divide, Teller County, Colorado.
2. Defendant First Financial Insurance Company is an Illinois corporation authorized to do business in the State of Missouri and licensed by the Missouri Department of Insurance.

EXHIBIT

A

3. Defendant Burlington Insurance Company is a North Carolina corporation that is not authorized to transact business in the State of Missouri but is licensed by the Missouri Department of Insurance.

4. Defendant Praetorian Insurance Company is a Pennsylvania corporation that is authorized to transact business in the State of Missouri and is licensed by the Missouri Department of Insurance; Defendant Praetorian Insurance was previously named the Insurance Corporation of Hannover.

5. On October 13, 2003, Plaintiff was employed by Weston Transportation, Inc., a Missouri corporation with its principal place of business at 1600 Swift Avenue, in North Kansas City, Clay County, Missouri.

6. On or about October 13, 2003, near Decatur, Illinois, Plaintiff was operating a motor vehicle owned by his employer on U.S. Interstate 72, in the course and scope of his employment with Weston Transportation, when he was struck and injured by a motor vehicle owned and operated by Casey Sowa.

7. The collision described above was caused by the negligence and carelessness of the Casey Sowa.

8. As a direct and proximate result of the negligence of Casey Sowa, Plaintiff suffered severe and permanent personal injuries, both physical and mental, rendering him unable to continue his profession as a truck driver, and incurred significant medical and other damages.

9. To Plaintiff's knowledge and belief, on October 13, 2003, at the time of the collision described above, the Weston Transportation vehicle that plaintiff was driving was insured by the First Financial Insurance Company, the Burlington Insurance

Company and/or the Praetorian Insurance Company, f.k.a. the Insurance Corporation of Hannover through a policy of insurance that included underinsured motorist coverage. Plaintiff was an additional insured under the insurance policy in question.

10. On September 28, 2004, plaintiff entered into a settlement agreement with Farmers Insurance Company for the amount of \$20,000.00 the limit of the liability coverage under the policy issued to Casey Sowa.

11. Plaintiff's damages incurred in the collision exceeded the \$20,000.00 policy limits paid by Farmers Insurance Company, and thus plaintiff is entitled to recover underinsured motorist benefits under the insurance policies issued by defendants to Weston Transportation.

12. Plaintiff is an insured as defined by the policy issued to Weston Transportation and is therefore entitled to recover under the underinsured motorist coverage of such policy.

WHEREFORE, Plaintiff prays judgment against Defendants for an award of actual damages such as are fair and reasonable, less the sums received from Farmers Insurance Company, so as to compensate him for his injuries and damages, for Plaintiff's costs herein expended, and for such other and further relief as this Court deems just and proper under the circumstances of this case.

COUNT II

COMES NOW Plaintiff Belinda Lowe, and for her cause of action against the Defendants, states as follows:

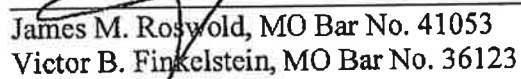
13. Plaintiff Belinda Lowe adopts and incorporates by reference herein, paragraphs 1-12 of Count I of Plaintiffs' Petition set forth above.

14. At all times mentioned herein, Belinda Lowe was the duly and lawfully wedded wife of Timothy Lowe; this Plaintiff and her husband have resided together for many years as husband and wife prior to the injuries sustained by Timothy Lowe and they have continued to live together as husband and wife to the present date.

15. As a direct and proximate result of the injuries sustained by her husband Timothy Lowe, Belinda Lowe has been deprived of and will in the future be deprived of the services, companionship, society, aid and comfort of her husband and has suffered a loss of consortium with her husband and every relationship existing between them has been materially impaired.

WHEREFORE, Belinda Lowe prays judgment against the Defendants for an amount of money sufficient to fully and appropriately compensate her for the injuries and damages she has suffered herein, for her costs herein expended and for such other and further relief as the Court deems appropriate under the circumstances of this case.

KANSAS CITY ACCIDENT INJURY ATTORNEYS



James M. Roswold, MO Bar No. 41053
Victor B. Finkelstein, MO Bar No. 36123
1102 Grand Avenue
Suite 1901
Kansas City, Missouri 64106
(816) 471-5111
Fax: (816) 471-7199
ATTORNEYS FOR PLAINTIFF

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

TIMOTHY LOWE and BELINDA LOWE,
21 Malmsey Lane
Divide, CO 80814

Plaintiffs,

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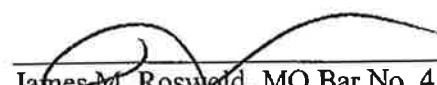
TIME: AUG 08 2014 MLW

Clay County Circuit Court

REQUEST FOR JURY TRIAL

COME NOW the Plaintiffs and request a jury trial in connection with the present case.

KANSAS CITY ACCIDENT INJURY ATTORNEYS


James M. Roswold, MO Bar No. 41053
Victor B. Finkelstein, MO Bar No. 36123
1102 Grand Avenue
Suite 1901
Kansas City, Missouri 64106
(816) 471-5111
Fax: (816) 471-7199
ATTORNEYS FOR PLAINTIFF



IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

Judge or Division: LARRY DALE HARMAN	Case Number: 14CY-CV07312
Plaintiff/Petitioner: TIMOTHY LOWE	Plaintiff's/Petitioner's Attorney/Address JAMES MICHAEL ROSWOLD 1102 GRAND STE 1901 KANSAS CITY, MO 64106
Defendant/Respondent: FIRST FINANCIAL INSURANCE COMPANY	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Contract-Other	

(Date File Stamp)

Summons in Civil Case

BRING PAPERWORK WITH YOU TO COURT

The State of Missouri to: PRAETORIAN INSURANCE COMPANY
Alias: FKA INSURANCE CORP OF HANOVER

DIRECTOR OF INSURANCE
301 WEST HIGH STREET
JEFFERSON CITY, MO 65102

COURT SEAL OF



CLAY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

8/11/2014
Date

/s/ Karen Thompson

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

_____ (name) _____ (title).

☐ other _____ (address)

Served at _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).
in _____

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires:

Date

Notary Public

Sheriff's Fees

Summons \$ _____
Non Est \$ _____
Sheriff's Deputy Salary \$ _____
Supplemental Surcharge \$ 10.00
Mileage \$ _____ (_____ miles @ \$ _____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



**Service of Process
Transmittal**

08/22/2014

CT Log Number 525567524

TO: Elizabeth Lugo-Rivera
QBE INSURANCE CORPORATION
Wall Street Plaza, 88 Pine Street - 4th Floor
New York, NY 10005-1801

RE: **Process Served in Missouri**

FOR: Praetorian Insurance Company (Domestic State: PA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Timothy Lowe and Belinda Lowe, Pltfs. vs. First Financial Insurance Company, et al. including Praetorian Insurance Company, Dfts.

DOCUMENT(S) SERVED: Invoice, Notice, Summonses, Disk, Petition(s), Request, First Interrogatories, First Request(s)

COURT/AGENCY: Clay County Circuit Court, MO
Case # 14CYCV07312

NATURE OF ACTION: Insurance Litigation - Claim for policy benefits

ON WHOM PROCESS WAS SERVED: C T Corporation System, Clayton, MO

DATE AND HOUR OF SERVICE: By Certified Mail on 08/22/2014 postmarked: "Not Post Marked"

JURISDICTION SERVED: Missouri

APPEARANCE OR ANSWER DUE: Within 30 days after receipt, exclusive of the day of service

ATTORNEY(S) / SENDER(S): Victor M. Finekelstein
Kansas City Accident Injury Attorneys
1102 Grand Avenue
Suite 1901
Kansas City, MO 64106
816-471-5111

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex 2 Day
Image SOP
Email Notification, Timekka Perea timekka.perea@us.qbe.com
Email Notification, Sherry Paul Sherry.Paul@us.qbe.com
Email Notification, Kaylee Markgraf Kaylee.Markgraf@us.qbe.com
Email Notification, Elizabeth Lugo-Rivera Elizabeth.Lugo-Rivera@us.qbe.com
Email Notification, Kim Berndt kimberly.berndt@us.qbe.com

SIGNED: C T Corporation System
ADDRESS: 120 South Central Avenue
Suite 400
Clayton, MO 63105
TELEPHONE: 314-863-5545

Page 1 of 1 / SA

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

MISSOURI DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION
PO BOX 890
JEFFERSON CITY MO 65102-0690

MO 315-1736 (4-00)

CERTIFIED MAIL



7013 2630 0002 1549 2258



FIRST CLASS MAIL

PRAETORIAN INSURANCE
COMPANY
C1 CORPORATION SYSTEM
1211 SOUTH CENTRAL AVE.
CLAYTON, MO 63105





IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

Judge or Division: LARRY DALE HARMAN	Case Number: 14CY-CV07312
Plaintiff/Petitioner: TIMOTHY LOWE	Plaintiff's/Petitioner's Attorney/Address JAMES MICHAEL ROSWOLD 1102 GRAND STE 1901 KANSAS CITY, MO 64106
Defendant/Respondent: FIRST FINANCIAL INSURANCE COMPANY	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Contract-Other	

SOP RECEIPT DATE

AUG 15 2014

**MO. DEPT OF INSURANCE,
FINANCIAL INSTITUTIONS &
PROFESSIONAL REGISTRATION.**

Summons in Civil Case

**BRING PAPERWORK WITH
YOU TO COURT**

The State of Missouri to: **PRAETORIAN INSURANCE COMPANY**
Alias: **FKA INSURANCE CORP OF HANOVER**
DIRECTOR OF INSURANCE
301 WEST HIGH STREET
JEFFERSON CITY, MO 65102

COURT SEAL OF



CLAY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

8/11/2014

Date

/s/ Karen Thompson

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

_____ (name) _____ (title).

☐ other _____

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees

Summons

\$ _____

Non Est

\$ _____

Sheriff's Deputy Salary

Supplemental Surcharge

\$ **10.00**

Mileage

\$ _____ (_____ miles @ \$ _____ per mile)

Total

\$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



MISSOURI DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
P.O. BOX 4001
301 W.HIGH ST. RM 530
JEFFERSON CITY, MO 65102

**REGULATORY FEE
INVOICE
FIRST NOTICE**

PRAETORIAN INSURANCE COMPANY
CT CORPORATION SYSTEM
120 SOUTH CENTRAL AVE.
CLAYTON, MO 63105

Invoice Number: 201408RF00209
Invoice Date: 08/15/2014
Due Date: 09/14/2014
Ref. Number:
Contact Phone:

This invoice is a statement of the fees you owe under the insurance laws of this state. Fees incurred and payments received after the date of invoice are not reflected in this invoice. Failure to pay invoiced fees may subject you to owing double the amount of the fees shown, pursuant to section 374.240, RSMo 2000.

TIMOTHY LOWE V. PRAETORIAN INSURANCE COMPANY
CLAY CO. CIRCUIT COURT 14CY-CV07312

PURSUANT TO SECTION 374-230 (8), FEE FOR ACCEPTING SERVICE OF PROCESS UPON YOUR COMPANY PLEASE RETURN THIS BILL WITH YOUR CHECK.

INVOICE SOURCE	AMOUNT	ADJ	NET AMOUNT
SERVICE OF PROCESS	\$10.00		\$10.00
TOTAL:	\$10.00	\$ 0.00	\$10.00
TOTAL AMOUNT DUE:			\$10.00

Please contact the following individual(s) with questions:
SERVICE OF PROCESS KIMBERLY LANDERS 573-751-2619

Please return a copy of this statement along with your payment for the total amount shown within 30 days to: DIFP-Insurance, P.O. Box 4001, Jefferson City, MO 65102.

If you have any questions regarding payment of this invoice, please contact the Fiscal Services Section at (573) 751-4439.

Department of Insurance, Financial Institutions and
Professional Registration



TO: Corporate Secretary (or United States Manager or Last Appointed General Agent) of

PRAETORIAN INSURANCE COMPANY
CT CORPORATION SYSTEM
120 SOUTH CENTRAL AVE.
CLAYTON, MO 63105

RE: Court: Clay Co. Circuit Court, Case Number: 14CY-CV07312

You will take notice that original process in the suit against you, a copy of which is attached hereto and sent to you by certified mail, was duly served upon you at Jefferson City, Missouri, by serving the same on the Director of the Department of Insurance, Financial Institutions and Professional Registration of the state of Missouri, Dated at Jefferson City, Missouri this 15th day of August, 2014.

A handwritten signature in cursive script, appearing to read "John M. Hill", written over a horizontal line.

Director of Insurance, Financial Institutions
and Professional Registration